



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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July 17, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SEX OFFENDER REGISTRATION

On April 22, 2008, on motion of Supervisor Antonovich, your Board directed the Chief Executive Officer (CEO) to work in conjunction with the Directors of Children and Family Services (DCFS) and Public Social Services (DPSS), the County's Legislative Advocates in Sacramento, and County Counsel, to report back within 14 days on the following: 1) development of a protocol to alert the County whenever a sex offender attempts to register at an address that is State licensed to provide foster or child care; 2) development of a strict new County ordinance to strengthen the State's residency restrictions for sex offenders; and 3) seek legislation that will impose civil or criminal penalties on licensed foster and child care providers who allow and/or fail to report registered sex offenders on or near their facilities. Due to the complexity of this issue and the required coordination between State and County agencies, on May 14, 2008, we requested a 30 day extension to complete our report back to your Board.

Background

A State audit released on April 16, 2008, revealed that of the 75,000 community care facilities licensed by the State's Community Care Licensing Division (CCLD), the addresses of 49 registered sex offenders matched those of 46 licensed facilities Statewide, including foster and child care homes. The State immediately inspected all 46 facilities to determine child safety; and fortunately, those investigations revealed no incidents of child abuse. However, based upon the results, the State suspended licenses for a number of facilities statewide, eight of which were in Los Angeles County (four foster and four child care homes). DCFS promptly removed two children from the only foster home that had children.

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Additionally, DPSS contacted the appropriate Resources and Referral/Alternative Payment Program (R&R/APP) agencies to determine if any California Work Opportunities and Responsibility to Kids (CalWORKs) children were receiving child care services from the specified child care providers. Only one child care home was providing child care to CalWORKs children. All parents were called and the children were immediately removed from this child care home. The R&R/APP agency provided referrals to other available child care facilities to the parents of these children.

Protocol Development

Both the CEO and DCFS have contacted the CCLD to begin discussions on the development of a protocol for the State to automatically alert the County whenever a sex offender attempts to register at a licensed foster or child care home. CCLD advised us that they are in the process of reviewing the State Auditor's report and are working with the Department of Justice (DOJ) to develop a set of recommendations for the Legislature. Ideally, the State will develop an alert system by automatically cross-checking its data base of registered sex offender addresses with its data base of licensed foster and child care locations.

Although we are working with the CCLD and the County's Legislative Advocates to develop the needed notification protocols, DCFS has implemented immediate procedures to properly track and monitor individuals residing and/or working in foster and child care facilities. They include:

- 1) DCFS Policy Section has issued a For Your Information ("FYI") notice to all social workers to ask care providers and children placed in their home each month during their visitation contact if anyone new lives in the home. All service bureau (i.e., field office) managers are now charged with ensuring compliance with this protocol. Social workers will ask the caregiver and child who lives in or visits the home;
- 2) An "FYI" notice was sent to all foster family agency, group home, kinship, and foster care providers reminding them that they must inform their social worker if any adult moves into their home and that no sex offender may live at or visit the foster home. DCFS is also performing background checks on any new resident;
- 3) All foster-adoption resource families who are prospective adoptive parents will have their addresses cross checked with the Megan's Law website and other websites with similar sex offender location information;

- 4) DCFS adoptions staff are conducting assessments to determine who lives in the home at the time they are approved for adoptions and during re-evaluations, and will cross check addresses with the Megan's Law website and other websites containing the same information;
- 5) DCFS child care staff are checking the Megan's Law website to ensure that there are no registered sex offenders living in child care facilities used by the Department; and
- 6) DCFS Information Technology (IT) staff are exploring the feasibility of developing an in-house database that cross checks foster placement addresses with the Megan's Law website.

Additionally, DPSS is taking the following actions to ensure proper monitoring, tracking, and reporting of adults living in child care facilities by August 31, 2008:

- 1) DPSS will mail a notice to all Stage 1 child care providers reminding them of their responsibility to report to CCLD anyone moving into or out of their facility/home;
- 2) The 13 DPSS contracted R&R/APP agencies will issue a notice to all child care facilities, whenever a new Stage 1 Child Care payment is approved, reminding them of their responsibility to report to CCLD anyone moving into or out of the facility/home;
- 3) DPSS IT staff are exploring the feasibility of developing an automated solution to routinely cross check child care facility addresses with the Megan's Law website; and
- 4) DPSS is participating in a County Welfare Directors Association (CWDA) sex offender search workgroup.

Further, Probation Department's Placement Residential-Based Services (RBS) has issued a Probation Coordinating Memo (PCM) to the seven area offices where RBS Deputy Probation Officers (DPOs) are housed. The RBS DPOs are responsible for the supervision of minors placed in group home facilities, as well as minors placed with relative/non-relative care. The PCM contains policy and procedures that will address the following:

- 1) Deputies are to ask the minor and caregiver if anyone new moved into the residence since the last face-to-face visitation the month prior;
- 2) Questions and answers will be documented on a monthly basis into the Juvenile Caseload Management System (JCMS) as part of the regular case notes; and

- 3) If an individual has indeed moved into the residence, the RBS Director will be contacted immediately and the home will be reassessed to see if it still meets eligibility (DCFS will then perform a background check on the new resident).

A memo will be drafted and provided to all relative/non-relative caregivers reminding them that they must inform their DPO if any adult moves into their home and that no sex offender may live at or visit their residence.

Legislation

We have reviewed current State law and determined that both foster and child care providers are required to submit criminal record clearances, including fingerprints, to the DOJ, for the following individuals as a condition of obtaining and retaining a State license: 1) adults responsible for the administration or direct supervision of staff; 2) any person other than a child residing in the facility; 3) any person who provides care and supervision to children; and 4) any staff person, volunteer, or employee who has contact with the children.

Violation of this provision will result in the immediate assessment of a civil penalty of \$100 per violation, per day, for a maximum of five days. It may also result in the denial, suspension, or revocation of the license. Subsequent violations within a twelve-month period will result in a civil penalty of \$100 per violation, per day, for a maximum of 30 days. The State may also assess additional civil penalties for continued violations. The State is currently working on language that would allow counties and local agencies better access to the DOJ criminal database information. In addition, the State is considering administrative changes to strengthen reporting requirements for foster and child care providers. We will continue to work with both State and the County's Legislative Advocates to strengthen existing law.

County Ordinance

A draft ordinance which amends Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code to add Chapter 13.59 to impose residency and loitering restrictions on registered sex offenders in the unincorporated areas of the County was provided to your Board on April 21, 2008. The proposed ordinance provides the County with the authority to: 1) eliminate any potential conflict of land uses in residential neighborhoods; 2) reduces the potential dangers associated with registered sex offenders living near families with children and places where children frequently gather; and 3) establishes regulations for property owners who rent residential facilities to registered sex offenders.

Further, the ordinance was provided to your Board, along with an attorney-client memorandum from County Counsel, and included a review of various local ordinances. County Counsel advised that a mapping study should be completed before any ordinance

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was enacted to analyze the impact on the availability of residential opportunities for sex offenders. As a result, on April 22, 2008, on motion of Supervisor Antonovich, your Board directed the CEO, in consultation with County Counsel and the Departments of Public Works and Regional Planning, to conduct a mapping study of the impact on the available residential opportunities for sex offenders utilizing the parameters set forth in the ordinance and report back to the Board in 60 days. Our office is currently working on the mapping study and will include appropriate ordinance recommendations to impose additional restrictions on registered sex offenders in unincorporated County areas.

Conclusion

Until such time that the State implements effective protocols to cross-check its licensed foster/child care and sex offender registration data bases, we believe the additional procedures developed by DCFS, DPSS, and Probation will help keep children in the County's Child Welfare System as safe as possible from coming into contact with registered sex offenders. We will continue to work at both the State and local levels to develop a notification process, increase civil penalties against violators of provisions outlined in Megan's Law, and improve the quality of care for the children under the County's supervision.

Please let me know if you have any questions, or your staff may contact Brian Mahan at (213) 974-1318.

WTF:SRH:MS
GP:BM:cvb

c: Executive Officer, Board of Supervisors
County Counsel
Department of Children and Family Services
Department of Public Social Services
Probation Department
Department of Public Works
Department of Regional Planning